

ITEM: 16

SUBJECT: State of California, Department of Parks and Recreation, Empire Mine State Historic Park, Nevada County

BOARD ACTION: *Consideration of New NPDES Permit and Time Schedule Order.*

BACKGROUND: The Empire Mine State Historic Park (SHP) is located in the City of Grass Valley, Nevada County and discharges, via the Magenta Drain, to an unnamed tributary to the South Fork of Wolf Creek, which is tributary to Wolf Creek and the Bear River. No treatment is currently provided for the discharge. The proposed NPDES permit would regulate the discharge from the Magenta Drain at the Empire Mine SHP.

The proposed permit contains a significant number of new effluent limitations. Time schedules are included in the permit to provide time for the Discharger (1) to further characterize the discharge and (2) to meet final effluent limitations for cadmium, chromium (III), copper, lead, mercury, nickel, thallium, and zinc. Interim limitations are included for these same constituents until a compliance project can be implemented.

Time Schedule Order

The proposed Time Schedule Order includes a time schedule for complying with new effluent acute toxicity, aluminum, antimony, arsenic, barium, cobalt, color, dissolved oxygen, iron, manganese, pH, settleable solids, total suspended solids, turbidity, and vanadium limitations included in the proposed NPDES permit.

ISSUES:

- State Parks commented that the Empire Mine SHP is a park, not an industrial mine site, and that an NPDES permit is not needed.

The Empire Mine SHP was established to document California's mining history. Numerous on-going water quality issues that continue under the ownership of State Parks have been identified as the result of past mining activities. One of these issues is the discharge of "wastewater", specifically a discharge of mine drainage, to surface water. Wastewater discharges to surface waters must be regulated under an NPDES permit in accordance with federal and state laws, the Clean Water Act and the California Porter-Cologne Water Quality Control Act, and applicable federal wastewater regulations.

- The City of Grass Valley expressed concern that Newmont Mining Corporation is not named in the proposed permit.

Based on the currently available information submitted to the Regional Water Board, it is only possible to name State Parks

as a responsible party (RP) in the proposed permit. If additional information becomes available showing others are RPs this Order could be reopened and modified.

- Deltakeeper and over two dozen area residents commented that the proposed interim limitations are too high and that the compliance schedule is excessively long.

The Water Board recognizes that the discharge from the Magenta Drain contains high levels of pollutants that may affect water quality and agrees that the discharge should be controlled as soon as possible to limit exposure by the public and wildlife. The intent of the proposed permit is to require the Department of Parks to control the discharge as soon as is reasonable. Since the discharge has not previously been regulated, the proposed permit sets forth interim effluent limits based on the worst case concentrations in the discharge, but such high levels occur rarely. The permit and time schedule order include reasonable schedules to build and operate a treatment system to attain final effluent limits that comply with the Clean Water Act and the California Water Code. Until the system is built and operated, however, it is not feasible to stop the discharge and the discharge will continue at its current quality. More stringent interim limits would not change the concentrations in the discharge because the discharge will not be controlled until the treatment system is built or the discharge is stopped in some other way. The proposed time schedule was developed based on experience regarding the amount of time it can take to plan, sample, conduct environmental review, design and construct treatment systems.

Mgmt. Review _____

Legal Review _____

22/23 June 2006

Central Valley Regional Water Quality Control Board
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